

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANWAR, *et al.*,

Plaintiffs,

- v -

FAIRFIELD GREENWICH LIMITED, *et al.*,

Defendants.

This Document Related To: All Actions

Master File No. 09-cv-118 (VM)

**THE CITCO DEFENDANTS' APPLICATION
FOR THE ISSUANCE OF A LETTER OF REQUEST**

1. Defendants Citco Fund Services (Europe) B.V., Citco (Canada) Inc., Citco Bank Nederland N.V. Dublin Branch, Citco Global Custody N.V., Citco Fund Services (Bermuda) Limited, and The Citco Group Limited (collectively, the "Citco Defendants"), by their attorneys Brown and Heller, P.A., submit this Application for the Issuance of a Letter of Request, pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Concluded 18 March 1970, to The Royal Ministry of Justice and Police, Department of Civil Affairs, Oslo, Norway. This application is submitted in accordance with Fed. R. Civ. P. 28(b)(2) and 28 U.S.C. § 1781.

2. The Citco Defendants' proposed Letter of Request is attached to this Application.

3. The Citco Defendants' proposed Letter of Request seeks deposition testimony from an individual currently residing in Norway. As explained in the Citco Defendants' proposed Letter of Request, the individual, Jan Naess, is a former member of the Board of

Directors of two of the hedge funds at issue in this litigation, Fairfield Sentry Limited and Fairfield Sigma Limited (collectively, the “Funds”).

4. Further, Mr. Schmid was previously named as a defendant in this action, but was omitted as a defendant in the operative complaint, the Second Consolidated Amended Complaint (“SCAC”) filed in this action on September 29, 2009, in exchange for his agreement to appear and give an informational interview to Plaintiffs’ counsel in London regarding his personal knowledge of the Funds, which interview took place in January 2010.

5. Accordingly, and for the reasons described more fully in the Citco Defendants’ proposed Letter of Request, the Citco Defendants submit that the proposed Letter of Request is just and appropriate, and respectfully request that this Court issue such Letter of Request.

6. The Citco Defendants respectfully request that the Court signs and affixes the Court’s seal to the proposed Letter of Request, notifies the Citco Defendants’ counsel that the Court has executed the Letter of Request, and returns the Letter of Request to counsel for the Citco Defendants. The Citco Defendants’ local counsel in Norway will then submit the Letter of Request to Norway’s Central Authority.

Dated: February 28, 2013

Respectfully submitted,

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Anwar et al. vs. Fairfield Greenwich Limited et al.
U.S. District Court for the Southern District of NY –
Case No. 09-CV-0118 (VM)
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